

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #6	CCRB Case #: 201902325	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 03/17/2019 7:30 PM	Location of Incident: the 40th Precinct Stationhouse	Precinct: 40	18 Mo. SOL 9/17/2020	EO SOL 5/4/2021	
Date/Time CV Reported Sun, 03/17/2019 8:17 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Sun, 03/17/2019 8:17 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Genti Bektashaj	04850	937860	040 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Genti Bektashaj	Abuse: Sergeant Genti Bektashaj did not process § 87(2)(b) s complaint regarding an officer.	
B.SGT Genti Bektashaj	Abuse: Sergeant Genti Bektashaj did not process § 87(2)(b) s complaint regarding an officer.	

### Case Summary

On March 17, 2019, § 87(2)(b) filed this complaint over the phone with the CCRB.

On March 17, 2019, at approximately 7:30 p.m., § 87(2)(b) and § 87(2)(b) went to the 40<sup>th</sup> Precinct stationhouse in the Bronx and spoke to Sgt. Genti Bektashaj of the 40<sup>th</sup> Precinct at the front desk. § 87(2)(b) and § 87(2)(b) told Sgt. Bektashaj that they wished to file a complaint against an officer who had pulled them over and issued § 87(2)(b) a summons earlier that day. Based on their explanation, Sgt. Bektashaj told § 87(2)(b) and § 87(2)(b) that he would not take their complaint (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) then left the stationhouse.

No arrests were made and no summonses were issued during this incident. Video footage was obtained but did not capture the incident (BR 01).

### Findings and Recommendations

**Allegation A – Abuse of Authority: Sergeant Genti Bektashaj did not process § 87(2)(b)'s complaint regarding an officer.**

**Allegation B – Abuse of Authority: Sergeant Genti Bektashaj did not process § 87(2)(b)'s complaint regarding an officer.**

It is undisputed that § 87(2)(b) and § 87(2)(b) were at the 40<sup>th</sup> Precinct stationhouse on March 17, 2019, at approximately 7:30 p.m., and spoke with Sgt. Bektashaj to file a complaint against another officer (BR 02-05).

§ 87(2)(b) and § 87(2)(b) stated that earlier that day, § 87(2)(b) was driving with § 87(2)(b) and was pulled over by an officer and received a summons. This officer gave § 87(2)(b) a summons and was generally discourteous to § 87(2)(b) (his conduct as described by § 87(2)(b) and § 87(2)(b) did not rise to the level of misconduct and was thus not investigated). At the stationhouse later that day, § 87(2)(b) and § 87(2)(b) told Sgt. Bektashaj that they disputed the summons. Sgt. Bektashaj told them to fight the summons in traffic court. After § 87(2)(b) and § 87(2)(b) explained how the officer was discourteous to § 87(2)(b) Sgt. Bektashaj told them he did not find the officer's behavior discourteous and would not take their complaint.

Sgt. Bektashaj stated that § 87(2)(b) and § 87(2)(b) only disputed the summons and had no other complaints. Sgt. Bektashaj advised them to deal with the summons in traffic court and told them that he was not obligated to take their complaint and would not. Sgt. Bektashaj testified that he only had to process complaints alleging force, abuse of authority, discourtesy, or offensive language ("FADO"). § 87(2)(b) and § 87(2)(b) left the stationhouse without Sgt. Bektashaj processing any complaints from them.

§ 87(2)(g)

If a civilian makes a complaint against a police officer in person at a patrol precinct, the uniformed member of service receiving that complaint must interview the complainant, give them a copy of a civilian complaint report to fill out, and then inform the CCRB (BR 06). This procedure is the same for FADO allegations and other allegations of misconduct, including an unwarranted traffic summons. (Patrol Guide Procedure 207-31).

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b), § 87(2)(g)
- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 08).
- Sgt. Bektashaj has been a member of service for 13 years and has been subject in 14 other CCRB complaints with 25 allegations, three of which were substantiated (see officer history):
  - 201212959 involved substantiated allegations of physical force and handcuffs too tight. The Board recommended charges, which he was found guilty of, and the NYPD imposed a forfeit of ten vacation days.
  - 201400282 involved a substantiated allegation of questioning. The Board recommended Instructions and the NYPD imposed Formalized Training.
  - § 87(2)(g)

### Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) accepted mediation but Sgt. Bektashaj declined.
- According to the Office of Court Administration, neither § 87(2)(b) nor § 87(2)(b) have any convictions in New York City (BR 09-10).
- On June 14, 2019, a FOIL request was submitted with the New York City Comptroller's Office for any Notice of Claim and will be added to the case file upon receipt.

---

Squad No.: 6

Investigator:	_____	<u>Inv. Benjamin Shelton</u>	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	<u>IM Jessica Peña</u>	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date